

EXHIBIT 6

SMITH ROBINSON

Forward thinking. Results driven.

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Reply To: Daniel C. Plyler
Columbia Office
November 20, 2020

Via Email: lindsey@justice360sc.org

Lindsey S. Vann, Esquire
Executive Director, Justice 360
900 Elmwood Avenue, Suite 200
Columbia, SC 29201

RE: Richard Bernard Moore, SK # 6003

Dear Lindsey:

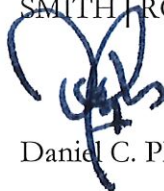
I have been informed by the South Carolina Department of Corrections (SCDC) that your client, Richard Bernard Moore, has refused to sign a Notice of Election form, and has affirmatively stated, in writing, that said refusal is not a waiver, in his opinion, under S.C. Code Ann. § 24-30-530. Additionally, on that same form, Mr. Moore states "I cannot make a selection at this time to method because my attorney and I do not have information for the protocols [sic]." As you know, SCDC made the execution protocols available for your review on November 19, 2020, but you refused to accept that offer and did not review the protocols at that time.

SCDC has authorized me to provide you the following information. SCDC's current lethal injection protocol is a three-drug protocol, which begins with an injection of Pentobarbital, followed at an appropriate time interval by Pavulon (Pancuronium Bromide), and then followed at an appropriate time interval by Potassium Chloride. A similar three-drug protocol utilized by the State of Kentucky, was found to be constitutional by the Supreme Court of the United States. *See Baze v. Rees*, 553 U.S. 35, 128 S.Ct. 1520 (2008).

SCDC reserves the right to amend its lethal injection protocol, and if it is unable to secure sufficient quantities of each of the three drugs listed above, it is prepared to enact a one-drug protocol, which would consist of the use of Pentobarbital Sodium. As you know, a recent challenge to the constitutionality of the Pentobarbital Sodium single-drug protocol as utilized by the Federal Bureau of Prisons, was unsuccessful before the Supreme Court of the United States. *See Barr v. Lee*, 140 S.Ct. 2590 (2020).

Please advise Mr. Moore of this information.

Very truly yours,
SMITH ROBINSON



Daniel C. Plyler